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7                   **UNITED STATES DISTRICT COURT**  
8                   **SOUTHERN DISTRICT OF CALIFORNIA**  
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10 JAMES I. WYATT,

11                   Plaintiff,

CASE NO. 13cv1972-WQH-  
NLS

12                   vs.  
13 CAROLYN W. COLVIN,  
Commissioner of Social Security,

ORDER

14                   Defendant.

15 HAYES, Judge:

16                   The matter before the Court is the review of the Report and Recommendation  
17 (ECF No. 16) issued by United States Magistrate Judge Nita L. Stormes, recommending  
18 that Plaintiff's Motion for Summary Judgment (ECF No. 12) be denied and Defendant's  
19 Cross-Motion for Summary Judgment (ECF No. 15) be granted.

20                   **BACKGROUND**

21                   On October 20, 2009, Plaintiff filed an application for disability insurance  
22 benefits, alleging disability beginning July 10, 2008. Plaintiff's claim was denied at the  
23 initial level and upon reconsideration. Plaintiff then requested a hearing before an  
24 administrative law judge ("ALJ"), which was held on May 10, 2011. On September 16,  
25 2011, the ALJ issued a written decision finding that Plaintiff had been under a  
26 disability, as defined in the Social Security Act, from July 10, 2008 through April 11,  
27 2011, and Plaintiff's disability ended April 12, 2011. (Admin. Rec. 27-38, ECF No. 10-  
28 2). On May 30, 2013, the Appeals Council for the Social Security Administration

1 denied Plaintiff's request for further review.

2 On August 23, 2013, Plaintiff, represented by counsel, commenced this action  
 3 seeking judicial review of Defendant's decision pursuant to 42 U.S.C. § 405(g).  
 4 On February 6, 2014, Plaintiff filed a Motion for Summary Judgment. (ECF No. 12).  
 5 On April 7, 2014, Defendant filed a Cross-Motion for Summary Judgment. (ECF No.  
 6 15).

7 On June 16, 2014, the Magistrate Judge issued the Report and Recommendation.  
 8 (ECF No. 16). The Report and Recommendation recommends that Plaintiff's Motion  
 9 for Summary Judgment be denied and Defendant's Cross-Motion for Summary  
 Judgment be granted. The Magistrate Judge found, *inter alia*, that the ALJ "offered  
 11 several clear and convincing reasons to justify his determination that Plaintiff's  
 subjective description of his limitations and pain was not credible." *Id.* at 13. The  
 13 Report and Recommendation states that any objections to the Report and  
 14 Recommendation must be filed no later than June 30, 2014, and "[t]he parties are  
 15 advised that failure to file objections within the specified time may waive the right to  
 16 appeal the Court's order." *Id.* at 13-14 (citation omitted).

17 The docket reflects that no objections to the Report and Recommendation have  
 18 been filed.

#### 19 REVIEW OF THE REPORT AND RECOMMENDATION

20 The duties of the district court in connection with a report and recommendation  
 21 of a magistrate judge are set forth in Federal Rule of Civil Procedure 72(b) and 28  
 22 U.S.C. § 636(b). The district judge must "make a *de novo* determination of those  
 23 portions of the report ... to which objection is made," and "may accept, reject, or  
 24 modify, in whole or in part, the findings or recommendations made by the magistrate."  
 25 28 U.S.C. § 636(b). The district court need not review *de novo* those portions of a  
 26 Report and Recommendation to which neither party objects. *See Wang v. Masaitis*, 416  
 27 F.3d 992, 1000 n.13 (9th Cir. 2005); *U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th  
 28 Cir. 2003) (en banc).

After review of the Report and Recommendation, the written opinion of the ALJ, the administrative record, and the submissions of the parties, the Court concludes that the Magistrate Judge correctly found that the ALJ's decision is supported by substantial evidence and the ALJ applied the correct legal standards.

## CONCLUSION

IT IS HEREBY ORDERED that: (1) the Report and Recommendation (ECF No. 16) is ADOPTED in its entirety; (2) Plaintiff's Motion for Summary Judgment (ECF No. 12) is DENIED; and (3) Defendant's Cross-Motion for Summary Judgment (ECF No. 15) is GRANTED. The Clerk of the Court shall enter judgment for Defendant and against Plaintiff.

11 | DATED: July 14, 2014

William Q. Hayes  
**WILLIAM Q. HAYES**  
United States District Judge